

## FWP COMMISSION AGENDA ITEM COVER SHEET

DATE 2/8/11

CASE NO. JB 255

Meeting Date: February 10, 2011

Agenda Item: Affiliated Lands

Division: Parks

Time Needed on Agenda for this Presentation: 15 minutes

**Background**

Over the years the Parks Division has acquired numerous parcels of land statewide. These lands are generally classified as 'Affiliated Lands.' Many of these sites are not currently actively managed lands nor are they big parcels. The opportunity may exist to dispose of lands that could be managed by other entities to help resolve some land or finance issues.

Primary parcels for consideration include;

- East Gallatin (Bozeman) – 84 acres owned; currently managed by the City of Bozeman.
- Lake Josephine (Billings) – 82 acres owned; currently managed by the City of Billings.
- Indian Road (Townsend) – 15 acres owned; not actively managed.
- Citadel Rock (NE of Geraldine) – 39 acres; DNRC lease; site is not actively managed.
- The Wilson Property (south of Big Sandy) – 320 acres owned; site is not actively managed.
- Fort Maginnis (NE of Lewistown) – 6 acres; DNRC lease; site is not actively managed.

The Parks Division wishes to explore options available for sale or trade of certain parcels of land as part of managing lands more effectively with the goal of improving the park system. The most likely options include the sale or transfer of the parcels to other entities including municipalities, counties, or DNRC.

**Public Involvement Process & Results**

There has been no public involvement to-date. Once these lands have been researched and an approach identified, the division would establish a public process including any MEPA analysis as necessary. Following the public comment period, any potential land transaction would be presented to the Commission and Land Board for final approval as required.

**Alternatives and Analysis**

- Alternative #1 – Proceed with exploring the options available for the sale or transfer of certain parks lands.
- Alternative #2 – No action. Do not proceed with analysis and possible disposal of affiliated parks lands. Under this Alternative the parcels would stay "on-the-books" as they have to-date.

**Agency Recommendation & Rationale**

We recommend the Commission grant tentative approval for the Parks Division to explore the potential options available for the sale or transfer of affiliated land parcels.

**Proposed Motion**

"I move that the Commission grant tentative approval for the Department to explore the options available for the sale, transfer, or disposal of affiliated land parcels as identified."

# Commission Meeting Agenda



## **Montana Fish, Wildlife & Parks**

### **COMMISSION MEETING AGENDA**

**FWP Headquarters - 1420 East 6th Avenue - Helena, MT**

*Times May Vary As Much As One Hour - Earlier or Later*

**FEBRUARY 10, 2011**

**FINAL**

**FEBRUARY 10, 2011**

**08:30 AM ~ ~ Call to Order and Administrative Items ...**

§ Call to Order and Pledge of Allegiance

§ Approval of Minutes of January 13, 2011 Commission Meeting View Cover Sheet

§ Approval of Commission Expenses through January, 2011

§ Recognition of Warden Lou Royce for Outstanding Efforts

§ Commission Reports

§ Director's Report

§ Legislative Update

**09:00 AM ~ ~ Parks Division ...Chas VanGenderen, Administrator**

§ Parks Affiliated Lands - Endorsement View Cover Sheet

**09:15 AM ~ ~ Fish and Wildlife Division ...Dave Risley, Administrator**

**09:20 AM ~ ~ Fisheries Bureau ...Bruce Rich, Bureau Chief**

§ Canyon Ferry & Lake Helena Commercial Fishing Regulations - Proposed View Cover Sheet

§ Fort Peck Reservoir Fisheries Management Plan - Informational View Cover Sheet

**09:45 AM ~ ~ Wildlife Bureau ...Ken McDonald, Bureau Chief**

§ 2011 Spring Turkey Quotas - Final View Cover Sheet

§ Sage Grouse Cooperative Augmentation Project with Alberta Canada - Final View Cover Sheet

§ Close Bighorn Sheep HD213 - Final View Cover Sheet

§ Limit Brow-tine Bull Elk Permits in HD250 - Final View Cover Sheet

§ Limit 398-80 Antlerless Elk B Licenses in HD360 and HD362 (Madison) - Final View Cover Sheet

§ Glendive Urban Deer - Proposed View Cover Sheet

§ Party Applications Available for up to Five Persons - Final View Cover Sheet

**11:00 AM ~ ~ Open Microphone - Public Opportunity to Address Issues Not on Agenda ...**

## ***FWP COMMISSION AGENDA ITEM COVER SHEET***

**Meeting Date:** February 10, 2010

**Agenda Item:** All Party Applications Available for up to Five Persons

**Division:** Wildlife

**Action Needed:** Approval of Final Rule

**Time Needed on Agenda for this Presentation:** 10 minutes

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### **Background**

This initial proposal would enact a consistent number of applicants—five—for all deer, elk and antelope license and permit "party" applications. For public comment, turkey is proposed to be added here. A party application is only entered once into any drawing. If successful in that one bid, all applicants of the party are successful. This would be available for residents and nonresidents alike and would match the current four-person party limit for all deer and elk permits (adopted in February 2010) with the current five-person application number for antelope and nonresident deer/elk general licenses. The difference between four- and five-person party applications has been a source of application error and confusion for nonresidents.

### **Public Involvement Process & Results**

In addition to public comment at the FWP Commission meeting in December, public comment ran from Dec. 10 thru Jan. 14, 2011. Twenty comments were received and forwarded to the commission. While not unanimous, a common theme was the recognition of the inconsistency of different species having different party-application sizes. Turkey has been added here in response to public comment.

### **Alternatives and Analysis**

Proposals may be adopted as proposed, with adjustment, with additions, with deletions or no change from 2010 (status quo) as per staff justifications, public comment and FWP Commission discussion.

### **Agency Recommendation & Rationale**

This proposal would enact a consistent number of applicants for all party applications. To clarify, a party application is only entered once into any drawing. If successful in that one bid, all applicants of the party are successful.

### **Proposed Motion**

I move the FWP Commission adopt the final party application size of five persons as presented by FWP.

## ***FWP COMMISSION AGENDA ITEM COVER SHEET***

**Meeting Date:** February 10, 2011

**Agenda Item:** Close Bighorn Sheep HD 213

**Division:** Wildlife

**Action Needed:** Approval of Final Rule

**Time Needed on Agenda for this Presentation:** 5 minutes

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### **Background**

Bighorn sheep in hunting district 213 near Anaconda have recently suffered significant mortality related to a disease and die-off event that included some agency culling. Out of concern for population recovery, and in the interest of offering reasonably hunting opportunity for any successful applicant, FWP proposes to close HD 213. The closure would be in effect until the population recovers sufficiently to maintain biological health and reasonable hunter opportunity. The scale of this event, and the elimination of reasonable hunting opportunity, prompts this request for an exception to the biennial season setting process.

### **Public Involvement Process & Results**

In addition to public comment at the FWP Commission meeting in December, public comment ran from Dec. 10 Jan. 14, 2011. Twenty-one comments were received and forwarded to the commission. A common theme was recognition of reduced numbers of bighorn sheep in this district.

### **Alternatives and Analysis**

Proposals may be adopted as proposed, with adjustment, with additions, with deletions or no change from 2010 (status quo) as per staff justifications, public comment and FWP Commission discussion.

### **Agency Recommendation & Rationale**

Given the observed mortality, there is significant reason to pursue this closure to enhance recovery potential as much as possible.

### **Proposed Motion**

I move the commission adopt the final bighorn sheep hunting district 213 closure as presented by FWP.

Testimony of Bob Ream, Chair, Montana Fish, Wildlife and Parks Commission

Mr. Chairman and committee members, I am Bob Ream, Chair, Montana Fish, Wildlife and Parks Commission. I speak today on behalf of the entire commission in opposition to SB255. Having spent 16 years in the legislature I have a great deal of respect for the legislative process. I also have tremendous respect for the FWP commission process and thank your committee for giving me this opportunity two years ago. It caps a 40 year career working on behalf of the wildlife resource in Montana, as a teacher and researcher – and legislator.

No other board or commission in Montana makes as many decisions or is under more intense public scrutiny than the FWP commission. Nor does any provide more transparency in the decision making process. We deal with a huge array of, and often conflicting interested parties, all passionate about the resource. From the past year's agendas, I counted 150 decisions made by the commission. One of those, the final biennial season decision for deer and elk actually involved over 800 individual decisions on 161 hunting districts, white-tailed, mule deer and elk, archery and general, antlerless, etc. Nearly 2,600 comments were collected and analyzed and additional comments were recorded at 46 FWP meetings attended by more than 1,100 individuals.

With my first reading of this bill I thought, why is this bill even needed? We do everything required by the criteria. However, after reading and re-reading I believe it adds a whole new level of bureaucracy and additional staffing to an already more than adequate process. It raises lots of questions. Does Section 1(2) require an additional period of public notice and comment, and another month to an already lengthy process? Does 1(1)(a) require a whole different statement of intent than those already completed? Does 1(1)(c) require a whole new impact statement (environmental, social and economic) beyond those already completed? Does 1(d) require another report beyond the biennial season setting process? There is tremendous variation in the kinds of decisions we make, some that fit the intent of SB255 and others that do not. However the clause "or otherwise relates to" on line 22 p.1, would include almost every commission decision made.

The commission makes several kinds of decisions, some amenable to SB255 and some not. At our monthly commission meeting this Thursday, we have a very small agenda, only 9 decisions to be made, as you can see from the agenda handed out. I've included three agenda item cover sheets for

this meeting. The first item on the agenda has no relevance to SB255 because the decision simply allows FWP to study lands that can potentially be disposed of, yet it is a decision. The party application rule simply clarifies the rule on party size for party applications. Why would we go through the entire process outlined in SB255 for this simple change? Yet it "otherwise relates to providing an opportunity to hunt." The HD213 Bighorn sheep closure has numerous steps preceding this decision, all involving a public process - including the statewide strategic management plan for bighorn sheep that went through extensive review and public comment, the tentative and final biennial season setting decisions last year, the tentative decision in December, followed by public comment from Dec. 10 to Jan. 14 and our final decision Thursday.

There have been a huge number of fish and game bills introduced this legislative session and I note that the requirements and criteria set out in SB255 have not been followed for those. Many micro-manage the resource and are in clear conflict with the laudable objectives of SB255.

Section 1(3) is and has been the requirement for FWP and the commission. All decisions and discussions are open for public inspection and are more open than they have ever been, with agendas, minutes, live audio coverage and archived videos of commission meetings. There is a wealth of information on issues also posted. Within the past year the public process has become even more transparent with the installation of interactive video at every regional office in the state for every commission meeting. Montana sportsmen, landowners, and other interested parties no longer have to travel all the way to Helena to present testimony to the commission. We accept public comment from people who simply travel to Billings, Kalispell, Miles City or other regional offices to testify to us in Helena, and ask or answer questions. Incidentally staff from regional offices no longer need to travel to Helena for a mere 10 minute information presentation and questioning by the commission. FWP has already saved thousands of dollars in staff time and travel costs.

In conclusion, I simply don't see how this bill adds to the effectiveness of FWP and commission management and decision making. As all of you probably know from being on this committee, that everyone in Montana is an expert on fish and game. We do our best to sort through the input from all these "experts" to manage the wildlife resources within biologically and socially sustainable limits. Would you rather have us getting the hard work done and making decisions efficiently, or would you rather see us tied up in more process and planning, and writing reports that no one will ever read?